

General Information Letter: Issues related to tax, penalties and amnesty for taxpayer currently serving in Iraq should be addressed when he returns.

October 21, 2003

Dear:

This is in response to your letter to this office dated October 8, 2003. Department of Revenue ("Department") regulations require that the Department issue only two types of letter rulings, Private Letter Rulings ("PLRs") and General Information Letters ("GILs"). PLRs are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. GILs do not constitute statements of agency policy that apply, interpret or prescribe the tax laws and are not binding on the Department. For your general information, the regulation governing the issuance of letter rulings, *2 Ill. Adm. Code Part 1200* regarding rulings and other information issued by the Department, can be accessed at the Department's website. That address is www.revenue.state.il.us/legalinformation/regs/part1200.

The nature of your question and the information provided require that we respond only with a GIL.

In your letter you state in part as follows:

I am writing to on behalf of my son, Mr. Z, who is serving in the United States Army currently in Iraq. I am handling his financial affairs in his absence.

We have received a Tax Amnesty letter dated September 26, 2003 from your Department addressed to Mr. Z regarding \$1147.88 in taxes that is supposed to be owed on his 1998 return. According to your Department, this tax was assessed because Mr. Z failed to submit all of the required documentation with his 1998 return.

I also understand that your Department cannot locate Mr. Z's 1999 tax return.

At this point, I cannot locate any of Mr. Z's tax records so it would not be possible to corroborate any of this or to make any filings or submit any documentation on his behalf. As Mr. Z has been moving around within Iraq, it has been very difficult for me to get into contact with him. We do not hear from Mr. Z for months at a time.

Enclosed is (1) copy of form IL-W-4 for employees claiming either in excess of 10 exemptions or exempt from tax.

Please be advised that the law implementing the current amnesty program, PL 93-0026, eff. 6/20/03, fixes the period of amnesty from October 1, 2003, through November 15, 2003, inclusively. No deferral of this period is allowed. However, your son should be able to reap the same benefits of amnesty, upon his return to the United States, by corresponding with the Legal Services Bureau and requesting abatement of penalty and interest based upon reasonable cause (i.e., his being away during the amnesty period rendering service in the military). Have him reference the amnesty letter, supply his social security number, along with the date of his military service and a brief explanation that he was abroad during amnesty, and we will see that he receives all the relief to which he is entitled.

As stated above, this is a GIL which does not constitute a statement of policy that applies, interprets or prescribes the tax laws, and it is not binding on the Department. If you wish to obtain a PLR which will bind the Department with respect to the application of the law to specific facts, please submit a request conforming to the requirements of *2 Ill. Adm. Code Part 1200*.

Sincerely yours,

Jackson E. Donley,
Senior Counsel-Income Tax